UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,286	07/31/2001	John D. Kersten	260/131	2483

7590 04/02/2009

BRANDON N. SKLAR
KAYE SCHOLER, LLP
425 PARK AVENUE
NEW YORK, NY 10022

EXAMINER	
CATTUNGAL, SANJAY	
ART UNIT	PAPER NUMBER
3768	

MAIL DATE	DELIVERY MODE
04/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/919,286	KERSTEN ET AL.	
	Examiner	Art Unit	
	SANJAY CATTUNGAL	3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *56* is/are allowed.

6)☒ Claim(s) *1-55 AND 57-61* is/are rejected.

7)☒ Claim(s) *22* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *1/9/02* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/11/2008 have been fully considered but they are not persuasive. Applicant argues that Kormos reference teaches that the display terminal is outside of the MRI volume. Examiner would like to point out that Fig. 2 of the Kormos reference teaches that the Display is within the MRI volume as defined by the magnetic field around the MRI scanner.

2. Regarding Claim 37, applicant argues that the references do not teach the use of a belt to move the screen.

3. Examiner would like to point out that the Simson reference teaches the use of a belt to move the screen (Abstract).

4. The amendment dated 12/11/08 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Claim 22 “A medical device at least partially within the room” has not been specified anywhere in the written disclosure (specification) and hence is not supported by the specification and considered new matter.

5. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The terms "A medical device at least partially within the room" has not been described anywhere in the specifications and is considered new matter.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. **Claims 1, 2, 4-7, 9-11, and 37-55, are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,198,285 to Kormos et al. U. S. Patent No. 6,503,188 to August**.

10. Regarding **Claims 1, 2, 4-7, 9-11, 37-43, 45-49, and 52-55,** Kormos et al. discloses a room for conducting a medical procedure having a magnetic resonance imaging assembly with first and second ferromagnetic elements, ferromagnetic pole supports, and poles supported by the pole supports, a screen within the assembly

having a plurality of scenes, each scene having at least one image, illumination from behind and means for changing the scene to a selected scene and acoustic means for providing sounds (col. 3, lines 48-52 and 57-63, col. 4, lines 32-36 and 49-56, col. 5, lines 27-30, col. 7, lines 66 and 67 and col. 8, lines 1-6).

11. Kormos et al. does not explicitly disclose that changing the image is achieved by moving the screen, a switch controlling movement of the screen, a cartridge for containing the screen, where the screen is arcuate, means for changing the cartridge, where the screen is moved to display a first or second selected image and where the second image is displayed by replacing the first cartridge with a second cartridge.

12. August discloses the use of a rollable health care display screen that is moved into and out of a cartridge, by scrolling the screen along a track. (Fig. 4)

13. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kormos with a rollable health care display as taught by August since such a setup is a inexpensive way of relaxing the patient while being scanned by an MRI. Its been well known in the art that patients are more relaxed in the presence of pleasant pictures and audible sounds as doctors and dental offices around the world use pictures and sceneries around the patient area to make them feel more welcomed and relaxed.

14. Regarding **Claims 11, 44, 50, and 51,** August teaches each of these features, including olfactory stimulation, a moving means that is a belt to which the screen is removably attached, a track for guiding the belt and an arcuate track (col. 10, lines 12-15 and 30-32, col. 11, lines 14-21 and col. 12, lines 3-8). Here the Examiner has

interpreted the curtain (ref. no. 28 in Fig. 1) as the belt to which the screen is removably attached and the curtain rod (unnumbered in Fig. 1) as the rack by which the belt is guided, which is arcuate in the regions where it rounds the comers of the room (Fig. 1).

15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kormos in the position and size of the screen of August within an MR examination room in order to provide a soothing and relaxing effect for the patient by displaying larger images that can be viewed from across the examination room (see August at col. 9, lines 32-38).

16. **Claims 3, 12-15, 17-26, 28-30, 32, 33, 37, and 57-64, are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,198,285 to Kormos et al. U. S. Patent No. 6,503,188 to August further in view of U. S. Patent No. 5,493,802 to Simson.**

17. Regarding **Claim 3,** Kormos and August teach all of the above claimed limitations but do not expressly teach that a switch controls the rollable image display.

18. Simson teaches the use of a scroll-displaying device, which has a switch and motors to play the device and control the motion of the image display. (Col. 4 Lines 19-58)

19. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kormos and August with a switch and motor setup as taught by Simson since such a setup would make it easier to use the device moreover, adding a switch and motor is just a step to automate the process and is well known in the art.

20. Regarding Clams **12-15, 17-22, 24-26, 28-30, 32, 33, 37, and 57-64,** Simson discloses the use of a track defining a groove through which the screen is rolled/moved (Fig. 7 elements 90 and 91) and the use of a hook and loop material for fastening. (Col. 6 lines 57-63)

21. Regarding **Claims 23,** Kormos and August teaches all of the features of the present invention except for expressly disclosing a serrated gear coupled to the belt that has a serrated portion, and a torque converter for controlling movement.

22. Simson et al. discloses a belt and pulley system that may be serrated, and a torque converter, which causes movement of the screen into and out of the cartridge (col. 4, lines 19-22 and col. 7, lines 5-6, 11-23 and 52-55 and col. 8, lines 33-35).

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a pulley system having a gear that is serrated to prevent the gear from slipping and having a torque converter in order to minimize the size of the motor to improve the ease with which the screen is moved into and out of the cartridge (see for motivation Simson et al. at col. 7, lines 5-23).

24. **Claims 8, 48, and 53, are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,198,285 to Kormos et al. U. S. Patent No. 6,503,188 to August, and further in view of Overweg (U.S. Patent No. 5,917,395).**

25. Regarding **Claims 8, 48, and 53,** Kormos and August teach all of the features of the present invention except for expressly disclosing a ceiling that is illuminated.

26. Overweg teaches an MRI system having ceiling-mounted illumination (col. 3, lines 5-9 and col. 4, lines 27-30).

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide lighting on the ceiling of the room so that the room is adequately lit for movement within the room and viewing of the screen.

28. **Claims 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,198,285 to Kormos et al. U. S. Patent No. 6,503,188 to August, and further in view of Saylor et al. (U.S. Patent No. 4,173,087).**

29. Regarding **Claims 13 and 21,** Kormos and August teaches all of the features of the present invention except for expressly disclosing that the screen is printed on both sides and that the screen is movable to display the image on the front side or the backside.

30. Saylor et al. discloses a system using a scroll-style display where the screen is printed on both sides (col. 1, lines 53-62 and col. 2, lines 49-52) and where rollers are set up such that the screen moves around the rollers to display the images on the front and the back sides (col. 2, lines 52-57 and col. 4, lines 30-33).

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a two-sided screen and system displaying images on either side of Saylor et al. with the scrollable display apparatus of Kormos and August in order to shorten the length of screen needed to provide the number of images desired and to increase the efficiency of the system by reducing the length of time it takes to switch

from an image at one end of the screen to one at the other end (see Saylor et al. at col. 1, lines 35-40).

Allowable Subject Matter

32. Claim 56 is allowed.

Conclusion

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

34. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANJAY CATTUNGAL whose telephone number is (571)272-1306. The examiner can normally be reached on 9:30 - 5:00 pm.

36. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571)272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

37. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SPC

/Long V Le/
Supervisory Patent Examiner, Art Unit 3768